Appointment and transfer of High Court Judges

3952. SHRI MAHESHWAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that in the appointment and transfer of Judges of High Court, a ratio of two from the state and one from outside the state is followed;

(b) if so, how many Judges from outside Sikkim have so far been appointed for the High Court of Sikkim under this accepted norm; and

(c) whether it is a fact that all Judges in the Sikkim High Court are from outside the State and that the policy of retaining 2/3rd of the Judges from the home state has not been implemented in Sikkim; if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) The Government have accepted as a policy recommendations of the Law Commission in its 80th Report that there should be a convention according to which 1/3rd of Judges in each High Court should be from any other State. The Government have decided that this may be implemented either by making initial appointments from outside or by effecting transfers.

(b) 7 Judges/Chief Justices have been appointed from time to time in the Sikkim High Court from outside so far.

(c) One Advocate who had practised in Sikkim High Court was appointed as a Judge of the Sikkim High Court in June, 1976 and was functioning as Chief Justice of an outside High Court till 1.4.95 when he resigned. Another practising Advocate was appointed Judge of the Sikkim High Court on 16.12.94 and is at present functioning as a Judge of Guwahati High Court. At present, both the Chief Justice and the puisne Judge in the Sikkim High Court are from outside the State. The third post of a Judge in the High Court of Sikkim in vacant.

Implementation of Supreme Court Decision on Payment of Penalty for Stalling Public Projects

3953. SHRI ASHOK MITRA:
SHRI K. R. MALKANI:

Will the PRIME MINISTER be *pleased to state*:

(a) whether Govt's attention has been drawn to the recent Supreme Court decision to the effect that parties which indulge in frivolous court proceedings so as to stall public projects shall be liable to payment of damages and compensation;

(b) whether Government propose to undertake administrative steps to enforce this judgement; and

(c) whether Government would also in this connection examine instances where important projects or programmes, such as opening of primary schools, have been held up because of injunctions often indiscriminately granted by lower courts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI H. R BHARDWAJ): (a) Yes, Sir.

(b) and (c) Information is being collected and will be laid on the Table of the House.

Pending Case on Seniority of Judges

3954. SHRI SATYA PRAKASH MALAVIYA: Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware that the case relating to the seniority of judges is lying undecided even after 15 years have passed: